

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HEMPFIELD SCHOOL DISTRICT : **CIVIL ACTION**
:
v. : **NO. 23-2800**
:
S.C., M.C. AND S.R.-A :

ORDER

AND NOW, this 31st day of January 2024, upon considering the parties' cross-Motions for judgment on the Administrative Record relating to school years 2020-2021 and 2021-2022 (ECF Nos. 19, 20), and finding we can enter partial judgment on the Administrative Record applying a modified de novo standard but remand for determination of the compensatory education awards for the 2020-2021 school year and August 2021-December 2022 of the 2021-2022 school year, and for reasons detailed in today's Memorandum, it is **ORDERED** we:

1. **DENY** Plaintiff's Motion for judgment on the Administrative Record (ECF No. 20).
2. **GRANT in part** and **DENY in part** Defendants' Motion for judgment on the Administrative Record (ECF No. 19) requiring we:
 - a. **GRANT** Defendants' Motion for judgment on the Administrative Record for the school years 2020-2021 and 2021-2022 along with an award of reasonable attorney's fees and 100% of the reimbursement from December 2021 through August 2022 subject to Defendants adducing proof of the payments made to the Warwick School District under this Order;
 - b. **DENY** Defendants' Motion to the extent they seek undefined attorney's fees under the Individuals with Disabilities Education Improvement Act without

prejudice to move for reasonable attorney's fees with supporting competent comparator evidence along with competent evidence of the tuition paid to Warwick School District on or before **February 12, 2024** with leave to respond no later than **February 26, 2024**; and,

3. **VACATE** the Hearing Officer's award of sixty-five hours compensatory education and **REMAND** for further expedited review consistent with the guidance offered in today's Memorandum including requiring Plaintiff file a joint status memorandum not exceeding five pages on or before **February 29, 2024** detailing the plan and scheduled timing for promptly resolving this compensatory education issue.



John M. Kearney, Jr.